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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Nevada Bell, Pacific Bell, and Southwestern)
Bell Telephone Company Petition for)
Forbearance from Application of Section) CC Docket No. 98-193
272 of the Communications Act of 1934,) DA 98-2210
as Amended, to Reverse Directory)
Services)

COMMENTS OF AT&T CORP.

Pursuant to the Public Notice released October 29, 1998, AT&T hereby submits its Comments on the petition ("Petition")¹ by Southwestern Bell Telephone Company, Pacific Bell and Nevada Bell (collectively, "SBC") seeking forbearance under Section 10² of the Communications Act of 1934, as amended, from the application of the requirements of Section 272 of the Act to: (i) a new configuration of SBC's current "DirectLine Custom Service;" and (ii) a proposed operator-assisted reverse directory assistance ("RDA") service. SBC seeks to rely on the Commission's grant of forbearance for certain BellSouth RDA services in its E911 Forbearance Order.³

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¹ Nevada Bell, Pacific Bell and Southwestern Bell Telephone Company, Petition for Forbearance of [sic] Section 272 of the Communications Act, as Amended, to Provide Reverse Directory Services, CC Docket No. 98-183, filed October 5, 1998 ("Petition").

² 47 U.S.C. § 160.

³ Petitions For Forbearance From The Application Of Section 272 Of The Communications Act Of 1934, As Amended, To Certain Activities, Memorandum Opinion and Order, CC Docket No. 96-149, DA 98-220, released February 6, 1998 ("E911 Forbearance Order").

AT&T does not oppose an application of the Commission's forbearance authority to the services in question, if such forbearance rests on the same grounds as, and is expressly made subject to the same conditions applied to BellSouth's RDA services in, the E911 Forbearance Order. In particular, in that order the Commission concluded that

we may forbear from the application of section 272 to BellSouth's reverse directory services only if we condition that action on BellSouth's providing any other entity with all listing information that it uses to provide its reverse directory services at the same rates, terms, and conditions, if any, BellSouth charges or imposes on its reverse directory operations.⁴

The E911 Forbearance Order also made clear that the above condition extended to all subscriber listing information that BellSouth utilized for its RDA services, including information about subscribers of other LECs.⁵

In any order issued in this proceeding, however, the Commission should expressly reject the Petition's suggestion that whenever SBC has in place an interconnection agreement with a CLEC that addresses access to directory listing information, then SBC would not be obligated to provide that CLEC with access to listing information used for SBC's RDA services on the same terms and conditions that SBC applies to its own RDA operations.⁶ The Commission did not limit the conditions it imposed on BellSouth's RDA services in the manner SBC proposes, and there is no basis for it to do so here. The E911 Forbearance Order unequivocally held that BellSouth's request that the Commission forbear from applying § 272 to BellSouth's RDA services could not satisfy the standards of § 10 absent the conditions imposed in that ruling.

⁴ Id., ¶ 71.

⁵ Id., ¶¶ 78-84.

⁶ See Petition, p. 8, n.16.

At the time SBC negotiated its current interconnection agreements, federal law prohibited (and still prohibits, unless the Commission grants the instant Petition) SBC from offering on an integrated basis the RDA services it now proposes and, accordingly, no CLEC then could have opted to obtain directory data on the same terms SBC offered its own RDA operations. If SBC were to provide RDA on an integrated basis without giving CLECs the benefit of the conditions the E911 Forbearance Order found were required by § 10, it would effectively negate those conditions for so long as its interconnection agreements imposing terms that discriminated against CLECs remained in effect, because no CLEC that is now competing with SBC would be able to obtain directory data on the terms available to SBC's own RDA operations.⁷

⁷ SBC should not be heard to complain that a rule requiring it to make RDA data available to CLECs on the terms required by the E911 Forbearance Order would somehow deprive it of the benefit of the bargains it arrived at in interconnection negotiations. If SBC wishes to hold competing carriers to their existing contracts, it may do so by simply adhering to the regulatory regime that applied to it when it entered into those agreements -- that is, by offering RDA services subject to § 272 through a separate affiliate that complies with that section. If, however, SBC intends to provide the proposed RDA services on an integrated basis, it must comply with the requirements of § 10 in order to do so.

CONCLUSION

If the Commission elects to forbear from enforcing § 272 as to SBC's RDA services, it should make clear that SBC will have an unqualified obligation to comply with the conditions imposed on BellSouth's RDA services in the E911 Forbearance Order.

Respectfully submitted,

AT&T CORP.

By: 

Mark C. Rosenblum

Ava B. Kleinman

James H. Bolin, Jr.

Its Attorneys

295 North Maple Avenue

Room 3252J1

Basking Ridge, New Jersey 07920

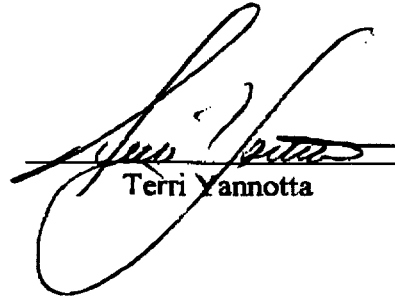
(908) 221-8312

November 30, 1998

CERTIFICATE OF SERVICE

I, Terri Yannotta, do hereby certify that on this 30th day of November, 1998, a copy of the foregoing "Comments of AT&T Corp." was mailed by U.S. first class mail, postage prepaid, to the party listed below:

Robert M. Lynch
Durward D. Dupre
Hope Thurrott
Southwestern Bell Telephone Company,
Nevada Bell and Pacific Bell
One Bell Plaza, Room 3023
Dallas, Texas 75202
(214) 464-3620



Terri Yannotta

November 30, 1998